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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA

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11 COURTHOUSE NEWS SERVICE,
12 Plaintiff,
13 v.
14 AMANDA TOSTE, et al.,
15 Defendants.

Case No. 1:21-cv-01790-ADA-SAB
AMENDED ORDER DIRECTING THE
CLERK OF THE COURT TO TERMINATE
AMANDA TOSTE AS A DEFENDANT IN
THIS ACTION
(ECF No. 31)

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17 On March 1, 2023, the parties filed a stipulated dismissal pursuant to Federal Rule of Civil
18 Procedure 41(a) as to the dismissal of Defendant Amanda Toste, in her official capacity as court
19 executive officer/clerk of the Merced County Superior Court. (ECF No. 31.) The dismissal of
20 this Defendant is with prejudice. (Id.) The claims against the other named Defendants are not
21 subject to the stipulation and will remain active. (Id.)

22 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of
23 the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d
24 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The
25 plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through
26 a Rule 41(a)(1) notice.”); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687
27 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all claims
28 against one defendant, so that a defendant may be dismissed from the entire action.”). “Filing a

1 notice of voluntary dismissal with the court automatically terminates the action as to the
2 defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

3 Accordingly, the Clerk of the Court is DIRECTED to terminate Defendant Amanda Toste
4 as a defendant in this action.

5 IT IS SO ORDERED.
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7 Dated: March 3, 2023



UNITED STATES MAGISTRATE JUDGE

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